

MEMO ENDORSED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
LEONARD GRUNSTEIN, JACK DWYER, and
CAPITAL FUNDING GROUP, INC.,

Plaintiffs,

--against--

RONALD E. SILVA; PEARL SENIOR CARE, LLC;
PSC SUB, LLC; BEVERLY ENTERPRISES, INC.;
GEARY PROPERTY HOLDINGS, LLC; FILLMORE
CAPITAL PARTNERS, LLC; FILLMORE STRATEGIC
INVESTORS, LLC; DRUMM INVESTORS, LLC;
and FILLMORE STRATEGIC MANAGEMENT, LLC,

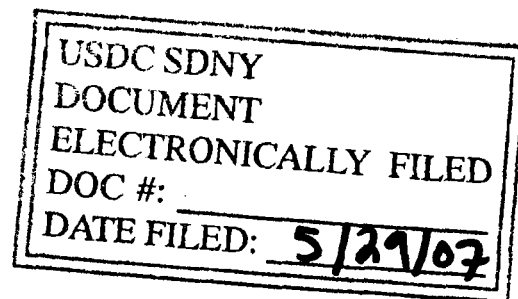
Defendants.
-----X

07 Civ. 3712 (RMB)


**STIPULATION
AND ORDER**

IT IS HEREBY STIPULATED and AGREED, by and between the undersigned,
that the time for defendants to move against, answer, or otherwise respond to the complaint in
the above entitled action is extended to July 10, 2007. *and*

Rule 16 conference adjourned to 7/23/07 @ 9:00 AM



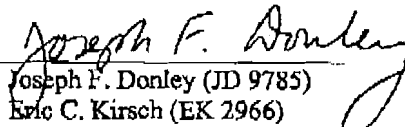
HELLER, HOROWITZ & FEIT, P.C.

By: 
Martin Stein, Esq. (MS 9372)

292 Madison Avenue
New York, NY 10017
(212) 685-7600 (Tel.)
(212) 696-9459 (Fax)

*Counsel for Plaintiffs Leonard Grunstein,
Jack Dwyer, and Capital Funding Group, Inc.*

DECHERT LLP

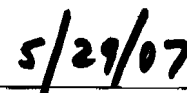
By: 
Joseph F. Donley (JD 9785)
Eric C. Kirsch (EK 2966)

30 Rockefeller Plaza
New York, NY 10112
(212) 698-3500 (Tel.)
(212) 698-3599 (Fax)

*Counsel for Defendants Ronald E. Silva;
Pearl Senior Care, LLC; PSC Sub, LLC;
Beverly Enterprises, Inc.; Geary Property
Holdings, LLC; Fillmore Capital Partners,
LLC; Fillmore Strategic Investors, LLC;
Drumm Investors, LLC, and Fillmore
Strategic Management, LLC.*

SO ORDERED:


Richard M. Berman, U.S.D.J.


Dated



30 Rockefeller Plaza
New York, NY 10112-2200
+1 212 698 3500 Main
+1 212 698 3599 Fax
www.dechert.com

JOSEPH F. DONLEY

joseph.donley@dechert.com
+1 212 649 8724 Direct
+1 212 698 0424 Fax

May 29, 2007

VIA HAND DELIVERY

Honorable Richard A. Berman
United States Courthouse
500 Pearl Street, Room 650
New York, New York 10007

Re: *Grunstein et al. v. Silva et al.*, United States District Court for the Southern District of New York, Index No. 07 Civ. 3712 (RMB).

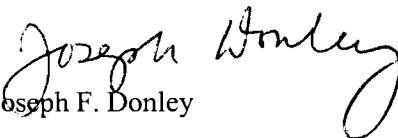
Dear Judge Berman:

We are counsel to Defendants in the above-referenced action. We write to request that the initial status conference scheduled for June 18, 2007 be rescheduled for July 23, 2007. We have conferred regarding this matter with counsel for plaintiffs, Martin Stein, and I am authorized to state that he agrees with this request. We have not previously requested that the initial status conference be rescheduled.

We are arranging to accept service of process on behalf of our clients, who are located in California. We have also agreed with plaintiffs' counsel to extend the deadline for responding to the Complaint to July 10, 2007; a copy of the stipulation is enclosed.

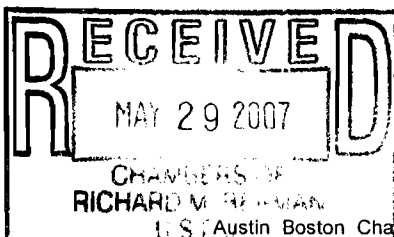
We therefore respectfully request that the enclosed stipulation be entered as an order, and that the initial status conference be rescheduled for Monday, July 23, 2007. As noted above, counsel for plaintiffs has agreed to these requests, subject to the Court's approval.

Respectfully submitted,


Joseph F. Donley

Enclosure

cc: Martin Stein, Esq.
Heller, Horowitz & Feit, P.C.



U.S. [Austin Boston Charlotte Hartford New York Newport Beach Palo Alto Philadelphia Princeton San Francisco Washington DC
Brussels London Luxembourg Munich Paris